



BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

REC'D TN  
REGULATORY AUTH.

01 NOV 20 AM 11 19

Guy M. Hicks  
General Counsel

OFFICE OF THE  
EXECUTIVE SECRETARY  
615 214 6301  
Fax 615 214 7406

November 20, 2001

**VIA HAND DELIVERY**

Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Docket to Determine the Compliance of BellSouth Telecommunications, Inc.'s  
Operations Support Systems with State and Federal Regulations*  
Docket No. 01-00362

Dear Mr. Waddell:

Enclosed please find the original and thirteen copies of BellSouth's Response to AT&T's Motion to Compel Filing of Matrix and to Strike Testimony. Copies of the enclosed have been provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH/jej

Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

In Re: *Docket to Determine the Compliance of BellSouth Telecommunications, Inc.'s  
Operations Support Systems with State and Federal Regulations*

Docket No. 01-00362

**BELLSOUTH'S RESPONSE TO AT&T'S MOTION TO COMPEL  
FILING OF MATRIX AND TO STRIKE TESTIMONY**

BellSouth Telecommunications, Inc. ("BellSouth") hereby responds to AT&T's Motion to Compel Filing of a Compliant Regionality Matrix and to Strike Testimony (the "Motion") and states as follows:

A. BellSouth Has Acted In Good Faith.

BellSouth strongly objects to AT&T's allegations that BellSouth is "flouting" the Authority's orders. BellSouth has complied with every requirement of the Authority and has made every effort to present as complete a case as possible for the Authority to review. BellSouth has responded to every discovery request propounded by the parties, including Interrogatory 36; has produced thousands of pages of documents for review; and has made numerous filings in an effort to comply with the Authority's directives. BellSouth updated discovery requests filed in other states, as the TRA requested, and filed affidavits attesting to the fact that the update was done. BellSouth also filed on PwC's behalf the affidavit of confidentiality that that Authority ordered be filed on November 13, 2001, (*See Transcript, 11/8/01, at 74*)(Director Greer: So I'm going to order that Pricewaterhouse file those affidavits for our review -- for my review, again, by Tuesday, the 13th.).

AT&T, on the other hand, has attempted to avoid the substantive issues in the case by filing a litany of procedural motions, none of which, if history serves, will have any bearing on

AT&T's presentation of its case.<sup>1</sup> In short, BellSouth has made every effort in this docket to meet the Authority's expectations and present the evidence that it believes the Authority needs to review to make a fair and informed decision. There are no grounds upon which AT&T can or should assert that BellSouth has acted in any manner except in good faith.

B. BellSouth's Matrix Complies With The September 13, 2001 Order.

In response to the Authority's September 13, 2001, Order, BellSouth filed a regionality matrix (in excess of 200 pages) setting forth the systems and processes tested in Georgia and Florida and indicating whether those systems and processes are applicable in Tennessee. This matrix was compliant with the Authority's Order. The matrix sets forth all of the systems and processes tested in Georgia and Florida by reference to Evaluation Criteria in Georgia and test points in Florida. This breakdown is the most logical way to set forth the systems and processes that KPMG evaluated. The fact that AT&T does not agree with BellSouth's approach is not grounds for requiring additional filings by BellSouth.

With respect to the manual DOE and SONGS systems and the provisioning processes referenced in the Motion, BellSouth described these systems and functions in detail in the testimonies of Mr. Ainsworth and Mr. Heartley respectively. BellSouth was in no way trying to be "misleading" as alleged by AT&T; to the contrary, BellSouth filed extensive testimony on both of these areas setting forth BellSouth's position as to why these systems and processes are regional.

---

<sup>1</sup> As counsel for BellSouth told the Authority, AT&T made a myriad of discovery motions in the North Carolina 271 proceeding claiming precisely the same prejudice it has claimed here. Despite its claims of prejudice, however, AT&T did not use one deposition it took; did not use one document it obtained in discovery; and did not ask Mr. Weeks, the KPMG witness, one question that he was not asked in the Georgia third party test hearing in May 2001.

The Motion attempts to make a tempest in a teapot. At most, what AT&T wants is two lines added to the matrix addressing DOE/SONGS and the network operations in Tennessee and Georgia and Florida. BellSouth did not put these two lines on the matrix because the topics were addressed so thoroughly in the pre-filed testimony.

What AT&T is really arguing about is not the matrix per se, but the regionality case itself. AT&T contends that the matrix is "inaccurate and misleading" because it represents that all of BellSouth's OSS are the same. BellSouth's position, however, is that all of its OSS are the same – DOE, SONGS and the network provisioning centers included. What AT&T appears to want is for BellSouth to file a matrix setting forth material differences in its OSS in Tennessee and Georgia and Florida – this cannot be done because none exist.

Moreover, AT&T's view of what the matrix should consist of fluctuates depending on what it believes would be most burdensome to BellSouth at the time. At the November 8 Prehearing Conference, Mr. Hopkins argued as follows:

Director Greer, I--- submitting the Georgia test plan – that's – if you look at the issues you asked for in the order, it asks BellSouth to identify – or the parties to identify **what's been tested**. It asks for a **matrix of what's been tested**. Just throwing the test report out here and saying go find it for yourself I don't think is very useful ... [s]o we were anticipating that we would see what BellSouth put forward on **what systems were tested between the two tests** and how they are regional and then try to rebut their case on rebuttal.

*Transcript, 11/8/01, at 31-32.* What is clear from Mr. Hopkins' argument is that on November 8, what AT&T wanted was a matrix setting forth all of the systems that were evaluated in the Georgia and Florida tests. Now that BellSouth has done that, AT&T wants something else.

In conclusion, BellSouth has filed a matrix that complies both with the Authority's Order, and with AT&T's request at the November 8 prehearing conference. Requiring BellSouth to

produce an additional matrix would be unnecessary, overburdensome, and outside the scope of the Authority's procedural order.

C. Testimony of Milton McElroy.

In light of the Authority's November 14, 2001 Order striking the Georgia Third Party Test and the PwC Attestation, BellSouth has withdrawn the direct testimony of Mr. McElroy and will not be filing his rebuttal testimony. Given the November 14, 2001, Order, BellSouth expects that AT&T will withdraw the testimony of Ms. Sharon Norris rebutting Mr. McElroy's direct testimony.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301

Fred J. McCallum, Jr.  
Lisa S. Foshee  
675 W. Peachtree St., NE, Suite 4300  
Atlanta, Georgia 30375

## CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2001, a copy of the foregoing document was served on counsel for known parties, via the method indicated, addressed as follows:

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

James P. Lamoureux  
AT&T  
1200 Peachtree St., NE, #4068  
Atlanta, GA 30367

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

James Wright, Esq.  
United Telephone - Southeast  
14111 Capitol Blvd.  
Wake Forest, NC 27587

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

H. LaDon Baltimore, Esquire  
Farrar & Bates  
211 Seventh Ave. N, # 320  
Nashville, TN 37219-1823

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

Henry Walker, Esquire  
Boult, Cummings, et al.  
P. O. Box 198062  
Nashville, TN 37219-8062

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

Jon E. Hastings, Esquire  
Boult, Cummings, et al.  
P. O. Box 198062  
Nashville, TN 37219-8062

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

Timothy Phillips, Esquire  
Office of Tennessee Attorney General  
P. O. Box 20207  
Nashville, Tennessee 37202

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

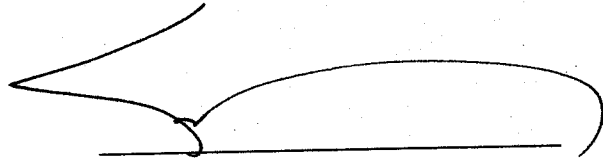
Charles B. Welch, Esquire  
Farris, Mathews, et al.  
618 Church St., #300  
Nashville, TN 37219

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

Terry Monroe  
Competitive Telecom Assoc.  
1900 M St., NW, #800  
Washington, DC 20036

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight

Jack Robinson, Esquire  
Gullett, Sanford, Robinson & Martin  
230 Fourth Ave., N., 3d Fl.  
Nashville, TN 37219-8888

A handwritten signature in black ink, appearing to read "Jack Robinson", written over a horizontal line.